

3 FAM 2330 SCHEDULING WORK

3 FAM 2331 AUTHORITY

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

Establishment of basic	5 U.S.C. 6101
workweeks. Variation of the 40-hour week for educational purposes.	
Observance of holidays	5 U.S.C 6103
falling on Saturday and certain other non-workdays.	
Various situations regarding	Executive Order 11582
observance of holidays falling on a Sunday and certain other non-workdays.	
Legal Holidays	5 U.S.C 6103(a)
Excludes FSOs and SFSs from the provisions of premium pay and regular compensatory time off.	5 U.S.C. 5541 (XIV) & (XV)
Authority of heads of agencies to prescribe regulations for the government of their agencies, the conduct of their employees and the distribution and performance of business.	5 U.S.C. 301 22 U.S.C. 2651a
Authority for the Secretary of State, and the heads of the other foreign affairs agencies to prescribe functions, and obligations of regulations in relation to the duties, officers and employees of the Service and to administer the Service	22 U.S.C., Section 3921, 3922 & 3926

Flexible and compressed work
schedules

5 U.S.C. 6120

Increased part-time career
employment opportunities
throughout the Federal
Government.

5 U.S.C. 401-3408 & related
provision of PL 95-437

3 FAM 2332 ESTABLISHMENT OF BASIC WORKWEEK

3 FAM 2332.1 Establishing a Regular Basic Workweek

3 FAM 2332.1-1 General Rules

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

A regular basic workweek will meet the following requirements:

1. The basic workday is in multiples of one hour;
2. Assignments to days and hours of duty are scheduled in advance of an administrative workweek for periods of not less than 1 week;
3. The basic 40-hour workweek is scheduled on five days, Monday through Friday, when possible, and the two days outside the basic workweek are consecutive;
4. The working hours in each day in the basic workweek are the same;
5. The basic non-overtime workday does not exceed eight hours;
6. The occurrence of holidays does not affect the designation of the basic workweek, and days and hours of duty cannot be rescheduled either to permit or prevent the inclusion of holidays within the basic workweek; and
7. Breaks in working hours of more than one hour are not scheduled in any basic workday.

3 FAM 2332.1-2 Regular Basic Workweek at Overseas and Domestic Establishments

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Each overseas and domestic establishment will establish the basic workweek for its employees. When possible, the basic workweek will be the same for all agencies at the same geographic location.

b. A basic workweek of 40 hours in length, which does not extend over more than six of any seven consecutive days, will be established for each group of full-time employees.

c. Whenever work requirements make it impracticable to prescribe a regular schedule of specific hours and days of a scheduled workweek, a first 40-hour tour of duty may be established as the basic workweek. It will consist of the first 40 hours of work performed over six of the seven day administrative workweek.

d. All work performed within the first 40-hour tour is considered regularly scheduled work, as that term is defined in 3 FAM 1120, for hours of duty and premium pay purposes. Additional hours of officially ordered or approved work within the seven-day administrative workweek are overtime work.

3 FAM 2332.1-3 Regular Basic Workweek for State - Washington

(TL:PER-280; 7-19-95)

(State Department Only)

(Applies to Foreign Service and Civil Service Employees)

a. The regular basic workweek in the metropolitan area of Washington, D.C., is eight hours a day, Monday through Friday, beginning at 8:15 a.m. and ending at 5:00 p.m. with 45 minutes for lunch.

b. Any office director or officer of equivalent or higher rank is hereby authorized to prescribe a different basic workweek of 40 hours for individual employees or groups of employees under that officer's jurisdiction under the provisions of section 2333 or when required for operational purposes.

c. Where an entire area of the Department is affected, the assistant secretary for the area prescribes the basic workweek.

3 FAM 2332.2 Authority to Establish Irregular Basic Workweek

3 FAM 2332.2-1 Policy

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Irregular basic workweeks may be established at domestic or overseas posts whenever necessary because of:

- Extremes of climate,
- Local customs, traditions or practices,
- Differences in time zones, or
- Other factors requiring duty at irregular hours.

b. Irregular basic workweeks at domestic locations and for employees overseas must be authorized in writing, and the authorization must contain an explanation of the circumstances justifying the establishment of irregular basic workweeks.

1. The authorization must be kept on record and at the post as a prerequisite to the preparation of irregular basic workweek orders.

2. Normally, the immediate supervisor will authorize irregular workweeks.

3 FAM 2332.2-2 General Rules

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Irregular basic workweeks should conform to as many as practicable of the requirements listed in section 2332.1-1.

b. Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday, the first 40 hours of work performed within a period of not more than six out of seven consecutive days maybe established as the basic workweek. All work performed within the 40-hour period is considered regularly scheduled work for hours of duty and premium pay purposes. Additional hours of officially ordered work within that seven-day period will be treated as overtime.

c. Irregular basic workweeks are not scheduled on more than six out of seven consecutive days.

d. Hours of days of duty are not rescheduled either to permit or prevent the inclusion or exclusion of holidays within the basic workweek.

e. The workday is in multiples of 15 minutes.

f. Breaks in working hours of more than one hour are not scheduled in any basic workday, unless in rare circumstances, a split shift with a break or more than 1 hour is absolutely necessary.

3 FAM 2332.3 Variation in Basic Workweek for Educational Purposes

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Each overseas and domestic establishment may authorize an irregular basic workweek of not less than 40 hours to permit an employee to take one or more courses in a college, university or other educational institution when it is determined that:

—The courses being taken are not training under 5 U.S.C. 4101-4118;

—The rearrangement of the employee's basic workweek will not appreciably interfere with the accomplishment of the employee's duties;

—Additional costs for personnel services will not be incurred; and

—Completion of the courses will equip the employee for more effective performance.

b. The organization may not pay the employee any premium pay solely because the special workweek authorized under this section causes the employee to work on a day, or at a time during the day, for which premium pay would otherwise be payable.

c. The Department or agency may from time to time request reports on the use of this authority.

3 FAM 2333 FLEXIBLE AND COMPRESSED WORK SCHEDULES

3 FAM 2333.1 Definitions

(TL:PER-280; 7-19-95)

(Uniform State/USAID/Commerce)

(Applies to Foreign Service and Civil Service Employees Only)

a. Compressed Schedule

—For purposes of this subchapter, a compressed schedule for a:

—Full-time employee, is an 80-hour work requirement which is scheduled for less than 10 workdays; and

—Part-time employee, is a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays.

b. Flexible Schedule

A flexible schedule is a variation in the normal working hours of an individual or an organization within the constraints of the eight-hour day and 40-hour week.

c. Flexible Time

Flexible time refers to that part of the schedule of working hours during which employees may choose their time of arrival and departure from the work site, within limits consistent with the duties and requirements of the position.

d. Core time

Core time refers to those designated hours and days during the biweekly pay period when an employee on a flexible schedule must be at work.

e. Basic Work Requirement

Basic work requirements means the number of hours, excluding overtime hours, an employee is required to work or is required to account for by leave.

f. Credit Hours

For purpose of a flexible work schedule established under these regulations, “credit hours” means any hours which are in excess of an employee’s basic work requirement and which the employee elects to work so as to vary the length of a workweek or workday. Credit hours in a flexible work schedule are not overtime hours.

g. Overtime Hours for Flexible Work Schedules

Overtime hours for flexible work schedules means all hours in a pay status in excess of eight hours in a day or 40 hours in a week, but does not include credit hours.

h. Overtime Hours for Compressed Work Schedules

Overtime hours for compressed work schedules means any hours in excess of the specified hours which constitute the compressed work schedule.

3 FAM 2333.2 General Requirements

3 FAM 2333.2-1 Compressed Work Schedules

(TL:PER-280; 7-19-95)

(Uniform State/USAID/Commerce)

(Applies to Foreign Service and Civil Service Employees Only)

a. Compressed work schedules have a basic work requirement of:

—80 hours in a biweekly pay period for a full-time employee.

—Less than 80 hours which may be scheduled for less than 10 workdays for a part-time employee.

b. For the purpose of compressed work schedule the tour of duty is:

—Defined by (i.e., is identical with) the particular schedule which the organization wishes to establish; and,

—Arranged in such a way that employees on these schedules will fulfill their basic work requirements in less than 10 days during the biweekly pay period. This may include a tour of duty that provides for a four-day workweek, one that is limited to approximately nine hours a day for nine days within a biweekly pay period, or other approved variations.

3 FAM 2333.2-2 Flexible Work Schedules

(TL:PER-280; 7-19-95)

(Uniform State/USAID/Commerce)

(Applies to Foreign Service and Civil Service Employees Only)

a. General Provisions

1. There are a number of possible variations under a flexible work schedule. Normally, employees would work 8 hours per day, and 40 hours in each week, but would, with management concurrence, have latitude in designating the actual working hours.

2. Actual flexitime refers to a system of work, scheduling which splits the workday into two distinct kinds of time; core time and flexible time. The two requirements under any flexitime schedule are:

—Employees must be at work during core time, and

—Employees must account for the total number of hours they are scheduled to work.

b. Core Time -- USAID

For USAID, core time is 9:30-11:30 a.m. and 1:30-3:45 p.m. within encompassing flexible hours of 7:00 a.m. to 6:30 p.m.

c. Additional Information

Additional information on establishing and using flexible and compressed work schedules is available from PER/ER in State, and from the Office of Foreign Service Personnel in Commerce.

3 FAM 2333.3 Authority to Establish Flexible and Compressed Work Schedules

3 FAM 2333.3-1 General

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Compressed and flexible work schedules may be authorized for selected individuals, organizational components or for all employees in the organization.

b. Management may experiment with the use of these schedules, and subject to appropriate collective bargaining obligations, may revert to previous tours of duty if the determination is made that using such schedules is not effective, efficient, or in the best interest of the organization.

c. Under certain circumstances, it may be appropriate to combine elements of both flexible and compressed work schedules.

3 FAM 2333.3-2 Obligation to Negotiate

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

Where employees have exclusive representation, the establishment of flexible and compressed work schedule must be negotiated before implementation.

3 FAM 2333.3-3 Specific Requirements -- STATE

(TL:PER-280; 7-19-95)

(State Department Only)

(Applies to Foreign Service and Civil Service Employees)

a. Managers and supervisors are required to obtain approval from their Executive Office prior to implementing these schedules.

b. In certain instances it may be necessary to document the alternate or compressed work schedule on an official personnel action.

c. Under these constraints, Principal Officers and Office Directors are authorized to use flexible and compressed work schedules provided they determine the use of such schedules has the potential to improve productivity and/or greater service to the public.

d. Authorizing officials should establish proper controls to document that employees work the required hours.

3 FAM 2334 HOURS OF DUTY FOR FOREIGN SERVICE OFFICERS (FSO's)

3 FAM 2334.1 Basic Workweek

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service Employees Only)

a. The workweek for FSOs and SFSs is a 40-hour week, for purpose of biweekly pay periods derived from per annum salaries, accruing and charging leave under chapters 3 FAM 3300, 3 FAM 3400, and 3 FAM 3500, and any other related purpose.

b. FSOs and SFSs are subject to working such additional hours over the 40 hours of the basic workweek as the needs of the Service require.

3 FAM 2334.2 Additional Compensation for Overtime

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service Employees Only)

Any additional hours FSOs and SFSs work in excess of the basic 40 hours cannot be legally compensated, either with premium pay or compensatory time off, except as provided by:

—3 FAM 3130 which authorizes special allowances for substantial amounts of overtime time to the incumbents of a limited number of positions both in Washington and abroad;

—3 FAM 3130 which authorizes compensatory time off at designated isolated posts in foreign areas.

—3 FAM 3130 which authorizes the granting of compensatory time off at certain foreign posts to facilitate rearrangement of the 40-hour basic workweek to cope with special local conditions. (Compensatory time off may not be granted under this portion of 3 FAM 2330 to compensate for work over 40 hours per week.)

—The provisions of the Fair Labor Standards Act as they apply to a limited number of nonexempt employees working in the United States only.

—3 FAM 3130 which authorizes special compensatory time off for FSOs.

—3 FAM 3130 which authorizes special compensatory time off for religious observances.

3 FAM 2334.3 Judicious Use of Overtime

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service Employees Only)

In carrying out their authority to order and schedule FSOs and SFSs to work such hours in addition to the basic 40 hours, supervisors should ensure that requests for performance of additional hours are judicious and exercised only when absolutely necessary because of the needs of the Service, with as much advance notice to the employee as possible.

3 FAM 2335 PART-TIME CAREER EMPLOYMENT PROGRAM

3 FAM 2335.1 Policy

(TL:PER-280; 7-19-95)

(State Only)

(Applies to Civil Service Employees Only)

Part-time permanent employment benefits the Department by:

- Increasing productivity;
- Lowering turnover rates and absenteeism;
- Offering management more flexibility in meeting work requirements and filling shortages in various occupations
- Assisting older employees in the gradual transition to retirement; and
- Providing career opportunities to individual who require a reduced workweek such as the handicapped, individuals with family responsibilities, students, and those returning to the workforce.

In view of this, the Department will operate a Part-Time Employment Program, consistent with its management responsibilities and the needs of its employees.

3 FAM 2335.2 Definition

(TL:PER-280; 7-19-95)

(State Only)

(Applies to Civil Service Employees Only)

“Part-time career employment” means the employment of an individual in the excepted or competitive service in a permanent position under a part-time work schedule of 16 to 32 hours per week. An employee appointed or converted to a part-time permanent position under the Act must have a regularly scheduled tour of duty of no less than 16 hours a week and no more than 32 hours a week.

3 FAM 2335.3 Exceptions and Exclusions

3 FAM 2335.3-1 Excluded Positions

(TL:PER-280; 7-19-95)

(State Only)

(Applies to Civil Service Employees Only)

The following are excluded from the Department's part-time career program:

—Positions in the Senior Executive Service (SES) or at GS-16 or higher or their equivalent; and

—Civil Service employees serving under time-limited appointment or otherwise serving on a temporary or intermittent basis. (These employees may serve in a part-time capacity but are not considered to be participants in the part-time employment program.)

3 FAM 2335.3-2 Positions Which Management May Except

(TL:PER-280; 7-19-95)

(State Only)

(Applies to Civil Service Employees Only)

Bureau executive directors may identify positions which must be excepted from the provisions of this subchapter because they must be filled on a full time basis in order to carry out the mission of the Department.

3 FAM 2335.3-3 Other Provisions

(TL:PER-280; 7-19-95)

(State Only)

(Applies to Civil Service Employees Only)

a. Bureau executive directors may approve schedules of from one to fifteen hours per week;

b. There is no provision to approve a part-time schedule of more than 32 hours per week.

3 FAM 2335.3-4 Mixed Positions Excluded

(TL:PER-280; 7-19-95)

(State Only)

(Applies to Civil Service Employees Only)

This subchapter does not apply to employees on a mixed tour of duty if that employee works no more than six pay periods per year on a part-time schedule. A mixed tour is one in which the employee works part-time during a portion of the year and full time and/or intermittent for the remainder.

3 FAM 2335.4 Workweek for Part-Time Employees

3 FAM 2335.4-1 State, Commerce, and USAID

(TL:PER-280; 7-19-95)

(Uniform State/USAID/Commerce)

(Applies to Foreign Service and Civil Services Employees)

When a part-time employee is appointed, the days and hours within an administrative workweek during which the employee is required to be on duty regularly shall be recorded under "Remarks" on the Notification of Personnel Action, SF-50. Subsequent permanent changes in the workweek are recorded in the same manner. Temporary changes should be recorded on part IV of Form JF-56, Authorization and Compensation for Irregular or Occasional Overtime, regardless of whether or not there is an entitlement to premium pay.

3 FAM 2335.4-2 USIA

(TL:PER-280; 7-19-95)

(USIA Only)

(Applies to Foreign Service Employees Only)

SF-50s reporting appointments of American part-time employees by USIA overseas establishments will show under "Remarks" the total number of hours to be worked regularly during each administrative workweek. Subsequent changes in the total number of hours to be worked during each administrative workweek will be recorded in the same manner. The days and hours that make up the regularly scheduled workweek of part-time USIA employees of overseas establishments will be recorded on work orders issued and distributed in accordance with instructions in H-2330.

3 FAM 2335.5 Guidelines and Procedures

(TL:PER-280; 7-19-95)

(Uniform State/USAID/Commerce)

(Applies to Foreign Service and Civil Service Employees)

Guidelines and procedures for implementing the part-time employment program, and information concerning the effect of part-time employment on various benefits will be found in H-2330.

3 FAM 2336 HOLIDAYS

3 FAM 2336.1 Holidays for Federal Employees

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

The following days are legal public holidays for U.S. Government employees:

New Year's Day	January 1
Birthday of Martin Luther King, Jr.	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November

Christmas Day

December 25

Any other day designated as a holiday by U.S. Federal status or Executive Order.

3 FAM 2336.2 Determining Holidays

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. When a U.S. Federal holiday falls on one of the employee's regularly scheduled workdays in basic workweek, that workday is the employee's holiday.

b. When a holiday falls on an employee's non-work day, the employee's holiday will depend on the day on which the holiday falls, the employee's basic workweek, and on the days designated as the employee's "Saturday" or "Sunday," respectively. See H-2330 for implementing instructions.

3 FAM 2336.3 Local Holidays

(TL:PER-280; 7-19-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service Employees Only)

—See 3 FAM 3462.1

3 FAM 2337 IMPLEMENTING PROCEDURE AND GUIDELINES

(TL:PER-280; 7-19-95)

(State Only)

(Applies to Civil Service Employees and Foreign Service)

Policies and procedures which implement these regulations are published in H-2330.

3 FAM 2338 THROUGH 2339 UNASSIGNED